



Federal *Pro Se* Clinic

CENTRAL DISTRICT OF CALIFORNIA

■ How to Submit a Motion ■

A motion is a formal request to the Court. To file a motion in the U.S. District Court for the Central District of California, you will need to prepare the following documents:

- 1) Notice of Motion and Motion
- 2) Memorandum of Points and Authorities in Support of Motion
- 3) Declaration in Support of Motion
- 4) (Proposed) Order
- 5) Proof of Service by Mail

A sample of each document you need for a motion is included in this packet.

Description of Each Document

1) Notice of Motion and Motion

The Notice of Motion and Motion explains to the Court what you are asking the Court to do.

2) Memorandum of Points and Authorities in Support of Motion

The Memorandum of Points and Authorities includes any legal authorities and arguments that support your motion.

3) Declaration in Support of Motion

A Declaration is a sworn statement to the Court where you write the facts that support your motion.

4) (Proposed) Order

This is an Order for the judge to sign if he or she wants to grant your motion. You do not sign the proposed order—instead, you leave a space for the judge's signature.

5) Proof of Service by Mail

In this document, you or someone else will swear to the Court that you have mailed a copy of the motion documents to the opposing counsel.

Scheduling a Hearing Date

When you file a written motion, you must propose a hearing date—a date on which you and the other party must appear before the judge assigned to your case to orally argue about the motion. In

the Central District of California, the date must be at least **31 days** after the date you file the motion and serve a copy by mail. You will write this date under the title of your motion (see the sample page below). **Note, however, that judges will often move a scheduled hearing date or cancel the hearing altogether and decide the motion based only on the written documents.**

To schedule a motion date, you must look at your judge’s schedule and find out when the judge hears civil motions. To find this information online, do the following:

- 1) Go to the Central District’s website, at <http://www.cacd.uscourts.gov>.
- 2) On the left hand side of the website, you will find a list of links. Click on the link called “Judges Procedures and Schedules.”
- 3) Click on your judge’s name.
- 4) Read your judge’s procedures, and look for the day that he or she hears civil motions. For example, your judge may hear civil motions every Monday at 1:30 p.m. If that is the case, you must propose a hearing date on a Monday that is 31 days or more after the day you file your motion.
- 5) Towards the beginning of each judge’s page, there is a link that says, “Click here to view Closed Motion Dates.” That page lists the dates on which each judge will **not** be hearing motions. Click that link to make sure that you are not scheduling a hearing on a closed motion date.

If you do not have internet access, you should call the court room deputy (CRD) for the judge assigned to your case.

Formatting Your Motion

By following the instructions below, you will comply with the format requirements of the Local Rules for the Central District of California:

- 1) **Pleading Paper:** Motions must be written on pleading paper. “Pleading paper” is letter-sized (8.5” x 11”) paper that has the numbers 1-28 typed down the left-hand side. You can download a template for pleading paper in Microsoft Word or Adobe PDF format at the Sacramento County Public Law Library Website:
 - Go to <http://www.saclaw.org>
 - Under the “Self-Help Consumer” section, click the link that says “Forms, Motions & Pleadings”
 - Find “Pleading Paper” in the list of forms
- 2) **Font and Margins:** 14 pt size font (suggested fonts: Times New Roman or Arial); 1-inch margins.

1		FILED Nov. 19, 2009
2	Name	
3	Address Line 1	
4	Address Line 2	
5	Phone Number	
6	Defendant in Pro Per	
7		
8	UNITED STATES DISTRICT COURT CENTRAL DISTRICT OF CALIFORNIA	
9		
10	Plaintiff's Name,	) Case No.: CV 1-1 PA (SSx)
11	Plaintiff,)
12	vs.	) Notice of Motion and
13	Defendant's Name,	) Motion to Set Aside
14	Defendant.	) Default Judgment
15		) Pursuant to FRCP 60(b)
16)
17		) Hearing Date: Dec. 21, 2009
18		) Time: 1:30 pm
19		) Judge: Percy Anderson
20		) Courtroom: 15
21	<hr/>	
22	TO THE HONORABLE COURT AND TO ALL PARTIES:	
23	PLEASE TAKE NOTICE that on Monday, December 14,	
24	2009, at 1:30 pm, or as soon thereafter as this matter may be heard	
25	in the above-entitled Court located at 312 N. Spring St., Los	
26	Angeles, CA 90012, [Defendant's name], the Defendant in this	
27	case, will move this Court to set aside the default judgment against	
28		

The hearing date must be 31 days or more after the day you file and serve by mail.

- 3) **Name and Contact Information:** Starting on Line 1, write your name, address, and phone number. Write “Plaintiff in Pro Per” or “Defendant in Pro Per” underneath your personal information.
- 4) **Line 8 or below:** Type the name of the court (UNITED STATES DISTRICT COURT). On the next line, write the district name (CENTRAL DISTRICT OF CALIFORNIA).
- 5) **Party Names:** Below the name of the court and district, write the names of the plaintiff and the defendant(s).
- 6) **Case Number:** Your case number goes to the right of the party names. Be sure to include all of the letters that make up the judges’ initials.
- 7) **Title of Document:** Under the Case Number, write the title of your document. For example, if you are moving to dismiss a case filed against you, your title would be, “Notice of Motion and Motion to Dismiss.”
- 8) **Hearing Information:** For your Notice of Motion, Memorandum of Points and Authorities, and Declaration, you should include your proposed hearing date, time, judge, and courtroom below the title of your document.
- 9) **Date and Signature:** When you have finished writing your motion or supporting document, write the date, your signature and your name.
- 10) **Footer and Page Numbers:** Type the title of your document in the footer. Be sure to number every page.

(Full Name)

(Address Line 1)

(Address Line 2)

(Phone Number)

_____ in Pro Per
(indicate Plaintiff or Defendant)

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

_____,	)	Case No.: _____
Plaintiff,	)	_____’s
vs.	)	(indicate Plaintiff or Defendant)
_____	)	NOTICE OF MOTION AND
_____	)	MOTION _____
_____)	_____
Defendant(s).)	_____
)	_____
	)	Hearing Date: _____
	)	Hearing Time: _____
	)	Judge: _____
	)	(Judge’s name)
	)	Place: _____
	)	(courtroom number)
_____)	

TO THE HONORABLE COURT AND TO ALL PARTIES:

PLEASE TAKE NOTICE that on _____ at _____,
(date) (time)
or as soon thereafter as this matter may be heard in the above-entitled Court

located at _____,
(address of the Court in which the motion is being made)

_____, the _____
(your name) (indicate Plaintiff or Defendant)

in this case, will move this Court to: _____
(describe the nature of your motion)

_____.

This motion is based upon the following documents:

(list the documents, such as a Memorandum of Points and Authorities and a Declaration, that support your motion)

_____.

the complete files and records in this action, and upon such oral and documentary
evidence as may be allowed at the hearing of this motion.

DATED: _____

By: _____
(sign)

(print name)

_____ in Pro Per
(indicate Plaintiff or Defendant)

(Full Name)

(Address Line 1)

(Address Line 2)

(Phone Number)

_____ in Pro Per
(indicate Plaintiff or Defendant)

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

_____,) Case No.: _____
Plaintiff,)
VS.) _____'s
(indicate Plaintiff or Defendant)

_____) **MEMORANDUM OF POINTS**
_____) **AND AUTHORITIES IN**
_____) **SUPPORT OF MOTION**
Defendant(s).) _____

) _____
) _____
) _____
) **Hearing Date:** _____
) **Hearing Time:** _____
) **Judge:** _____
) (Judge's name)
) **Place:** _____
) (courtroom number)

MEMORANDUM OF POINTS AND AUTHORITIES

I. Introduction

(Include a brief summary of what you are asking the Court to do in this motion and why.)

1 **II. Factual and Procedural History**

2 *(Include a brief statement of the factual and procedural history of this case as*
3 *relevant to this motion.)*

4
5 **III. Argument**

6 *(Explain the legal basis for the ruling you are asking the Court to make,*
7 *with citations to relevant law, such as the Federal Rules of Civil Procedure,*
8 *statutes, case law, and local rules, where applicable. The argument should show*
9 *the Court how these legal authorities, when applied to the facts of your case,*
10 *indicate that the Court should rule in your favor.)*

11
12 **IV. Conclusion**

13 For the reasons stated above, this Court should grant the motion.

14
15 DATED: _____

16
17 Respectfully submitted,

18
19 By: _____
(signature)

20
21 _____
(name)

22 _____ in Pro Per
23 (indicate Plaintiff or Defendant)

1 _____ (Full Name)
2 _____ (Address Line 1)
3 _____ (Address Line 2)
4 _____ (Phone Number)

5 _____ in Pro Per
6 (indicate Plaintiff or Defendant)

7
8 **UNITED STATES DISTRICT COURT**
9 **CENTRAL DISTRICT OF CALIFORNIA**

10
11 _____,) Case No.: _____
12 Plaintiff,)
13 vs.) _____'s
14) (indicate Plaintiff or Defendant)
15) **DECLARATION IN SUPPORT OF**
16) **MOTION** _____
17 Defendant(s).) _____
18)
19) **Hearing Date:** _____
20) **Hearing Time:** _____
21) **Judge:** _____
22) (Judge's name)
23) **Place:** _____
24) (courtroom number)

25 I, _____, declare as follows:
26 (print name)

- 27 1. I am the _____ in the above-entitled case.
28 (indicate Plaintiff or Defendant)
2. I have personal knowledge of the following facts, and, if called as a witness, I could and would competently testify thereto.

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12. _____

13. _____

14. _____

15. _____

I declare under penalty of perjury that the foregoing is true and correct.

Executed on _____, in _____.

(date of signing)

(city, state of signing)

(signature)

(name)

_____ in Pro Per
(indicate Plaintiff or Defendant)

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7
8 **UNITED STATES DISTRICT COURT**
9 **CENTRAL DISTRICT OF CALIFORNIA**

10 _____,) Case No.: _____
11 Plaintiff,) **(PROPOSED) ORDER**
12 vs.) **GRANTING** _____'s
13) (indicate Plaintiff or Defendant)
14) **MOTION** _____
15) _____
16 Defendant(s).) _____
17) _____

18 Having considered _____'s Motion and finding good cause therefore,
19 (indicate Plaintiff or Defendant)

20 **IT IS HEREBY ORDERED** that _____'s Motion
21 (indicate Plaintiff or Defendant)

22 _____
(describe your motion)

23 _____
24 is GRANTED.

25 DATED: _____
26

27 _____
28 District Court Judge

1 _____ (Full Name)
2 _____ (Address Line 1)
3 _____ (Address Line 2)
4 _____ (Phone Number)

5 _____ in Pro Per
6 (indicate Plaintiff or Defendant)

7
8 **UNITED STATES DISTRICT COURT**
9 **CENTRAL DISTRICT OF CALIFORNIA**
10

11
12 _____,) Case No.: _____

13 Plaintiff,)

14 vs.)

PROOF OF SERVICE BY MAIL

15 _____)

16 _____)

17 _____)

18 _____)

19 _____,)

20 Defendant(s).)

21 _____)

22
23 I, _____, declare as follows:
(name of person serving documents)

24 My address is _____
25 _____, which is located in the
26 county where the mailing described below took place.
27
28

1 On _____, I served the document(s) described as:
2 (date of mailing)

3 _____
4 (list the names of the documents you are mailing)
5 _____
6 _____
7 _____
8 _____
9 _____
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11 _____

12 on all interested parties in this action by placing a true and correct copy thereof in
13 a sealed envelope, with first-class postage prepaid thereon, and deposited said
14 envelope in the United States mail at or in _____,
15 addressed to: (city and state of mailing)

16 _____ (name) _____ (name)
17 _____ (address) _____ (address)
18 _____ (address) _____ (address)
19 _____ (address) _____ (address)

20 I declare under penalty of perjury that the foregoing is true and correct.
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22 Executed on _____ at _____.
23 (date) (city and state of signing)

24 _____
(sign)

25 _____
(print name)
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